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CPA

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APR 24 2001

GPA-1646

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
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Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.

146.1275

First Named Inventor

MAKISHINA et al

Express Mail Label No.

EL 783039765 US

Total Pages

4

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 08 / 945,459

filed on 10/20/97, entitled A NOVEL PROTEIN AND PROCESS FOR PREPARING THE SAME

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
.....
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

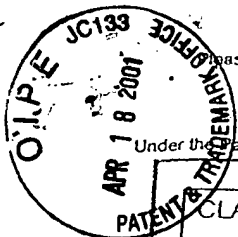
[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

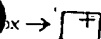
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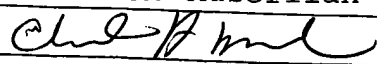
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))		32 -20 =	12	x \$ 18 =	\$ 216.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))		1 -3 =	0	x \$ 0 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 0 =	0
BASIC FEE (37 CFR 1.16(e))					710.00
Total of above Calculations =					\$926.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).					
TOTAL =					\$926.00

6. Small entity status:
- a. ☐ A small entity statement is enclosed.
 - b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 - c. ☐ Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02 - 2275:
- a. ☐ Fees required under 37 CFR 1.16.
 - b. ☐ Fees required under 37 CFR 1.17.
 - c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☒ Other: PTO Form 2038 enclosed authorizing fees.

NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label		 20311 (Insert Customer Number or Bar Code label here)		or <input type="checkbox"/> New correspondence address below	
NAME	Charles A. Muserlian				
	Bierman, Muserlian and Lucas				
ADDRESS	600 Third Avenue				
CITY	New York	STATE	N.Y.	ZIP CODE	10016
COUNTRY	U.S.A.	TELEPHONE	212 661-8000	FAX	212 661-8002

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Charles A. Muserlian
SIGNATURE	
DATE	April 18, 2001

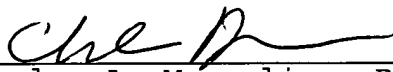


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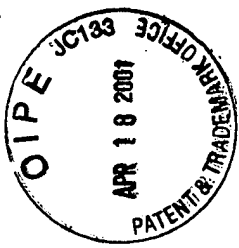
Date of Deposit: April 18, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 C.R.F. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Charles A. Muserlian, Reg. No. 19,683

Date: April 18, 2001



146.1275

#24/D
18
04/26/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : D. Romeo
F. MAKISHMINA et al :
Serial No.: 945,459 : Group: 1646
Filed: October 20, 1997 :
For: NOVEL PROTEIN...THE SAME :

600 Third Avenue
New York, N.Y. 10016
April 18, 2001

AMENDMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend this application as follows:

IN THE CLAIMS:

Cancel all the claims and add the following claims:

Sub 11
--17. An isolated protein consisting of the 119 amino acids as shown in SEQ ID No: 1 without residual proteins consisting of the amino acid sequence as shown in SEQ ID No: 1, the said protein with an additional Ala (120 amino acids) and the said protein with Met and Ala (121 amino acids) at the N-terminus.

D
18. An isolated protein according to claim 17 wherein said protein is a homodimer.

19. A pharmaceutical composition comprising the protein of claim 18 and a pharmaceutical carrier.

Sub 12
20. The pharmaceutical composition of claim 19 comprising an amount of the protein of claim 18 effective to treat cartilage and/or bone diseases.